

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS & ST. JOHN**

**JOHN ST. ROSE, MONROSE LOCTAR,  
and DERRICK JAMES, individually and on  
behalf of all others similarly situated,**

*Plaintiffs,*

v.

**HEAVY MATERIALS, LLC, SPARTAN  
CONCRETE PRODUCTS, LLC, and  
WARREN MOSLER,**

*Defendants.*

**3:19-cv-00117**

**JURY TRIAL DEMANDED**

**CLASS ACTION**

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**PLAINTIFFS' UNOPPOSED MOTION TO DISMISS THE  
CLAIMS OF JOHN ST. ROSE AND DERRICK JAMES**

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs move to dismiss the claims of John St. Rose and Derrick James, with all parties to bear their own costs. Neither Mr. St. Rose nor Mr. James wish to continue to prosecute this putative class action.

Defendants Spartan Concrete Products, LLC and Warren Mosler have indicated, through counsel, that they do not oppose the relief sought.

Plaintiffs consulted with former-defendant Heavy Materials, LLC about joining a Rule 41(a)(1)(A)(ii) notice of dismissal, as Spartan and Mosler have answered and Heavy Materials entered an appearance. *See In re: Alumina Dust Claims*, SX-09-MC-031, 2019 WL 5197518 (V.I. Super. 10/15/2019) (lengthy discussion of Rule 41 dismissal notices in a similar context). Heavy Materials declined Plaintiffs' invitation to join the notice. Plaintiffs apprised Heavy Materials of this motion in lieu of a notice, and Heavy Materials has not indicated any objection.

Plts' Unopposed MTD the Claims of John St. Rose and Derrick James  
*St. Rose, et. al., v Heavy Materials, et. al.*, 3:19-cv-00117

WHEREFORE, Plaintiffs pray their motion be granted; that the claims of John St. Rose and Derrick James be dismissed, with all parties to bear their own costs; and that this action proceed with Monroe Loctar as the sole named-plaintiff.

**DATED:** March 4, 2021

Respectfully submitted,

/s/ Jacob Gower

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of March, 2021, a copy of the foregoing was served on all counsel of record via email.

Plts' Unopposed MTD the Claims of John St. Rose and Derrick James  
*St. Rose, et. al., v Heavy Materials, et. al.*, 3:19-cv-00117

/s/ Jacob Gower

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C. Jacob Gower, Esq.